

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor George E. Meyer, Secretary William R. Selbig, Regional Director Northeast Region Headquarters 1125 N. Military Ave., P.O. Box 10448 Green Bay, Wisconsin 54307-0448 Telephone 920-492-5800 FAX 920-492-5913 TDD 920-492-5912

June 28, 1999

Mr. John Schuette Invincible Metal Furniture Co. 842 S 26th St. Manitowoc, WI. 54220

SUBJECT:

Case Closure with Groundwater Use and Soil Deed Restriction for Invincible Metal Furniture Co., 842 S 26th St., Manitowoc, WI.

WDNR LUST/ERP Case # 03-36-001463

Dear Mr. Schutte:

On June 3, 1999, the Northeast Region Closeout Committee completed a review of the above referenced contamination case. Based on the investigative and remedial documentation provided to the Department, it appears that the contamination at the above named site has been remediated to the extent practicable under current site conditions. The Committee has approved this case for closure pending the filing of a groundwater use restriction and a soil deed restriction which meets the requirements of NR 726.05(8)(am). The soil deed restriction is required for residual contamination in ss-12, ss-13, ss-14, ss-18, ss-19. Attached are examples of the model restrictions.

Please complete the restrictions and return a draft to this office for approval with a copy of the deed/legal description, survey map if available and a site map showing the contaminated soil locations. Pending Department approval the restrictions can be filed with the Manitowoc Register of Deeds. Only when the Department has received documentation that the restrictions have been filed with County Register of Deeds Office and the monitoring wells abandoned according to the requirements of NR 141 Wis. Adm. Code, will the Department consider the site closed.

Thank you for your cooperation in this matter. If you have any question please contact me at 920-492-5864.

Sincerely,

dames R. Reyburn Project Manager

Bureau of Remediation & Redevelopment

Cc: Mr. Dana Possin - Environmental Compliance Consultants Inc., PO Box 6438, Madison, WI. 53716-0438



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Range 23 East, City of Manitowoc, more particularly described as follows:

Beginning at a point in the north line of Lot 5, which is 700.0 feet east of the northwest corner of the East one-half thereof, thence South 6°32' West, a distance of 80.45 feet; thence South 0°55' West, a distance of 180.35 feet to the C. & N. W. Ry. Co. right of way line, thence northeasterly along said right of way line a distance of 144.0 feet to a point which is 10.5 feet westerly from the center line of the spur track, measured at right angle to the spur track, thence northeasterly on a curve to the left which is 10.5 feet west of the center line of said spur track, to the north line of Lot 5, thence west along the north line of Lot 5, a distance of 99.0 feet to the point of commencement.

A portion of Lot Numbered Four (4) of the Subdivision of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section Numbered Twenty-five (25), Township Numbered Nineteen (19) North, Range Numbered Twenty-three (23) East, in the City of Manitowoc, according to the recorded Plat of said Subdivision, and more particularly described as follows:

Commencing at the Northeast corner of Block "G", City of Manitowoc; thence West along the South line of Franklin Street, extended West, a distance of 239 feet to the Northeast corner of the tract herein described! thence south at right angles with the South line of Franklin Street a distance of 73.8 feet to the South line of the aforementioned Lot 4, which point is 20 feet West of the West rail of the Invincible Metal Furniture Company's Spur Track measured along the South line of · - an ist a rain to ath P said Lot 4; thence West along the South line of the aforesaid Lot 4, a distance of 206.4 feet to the Southeast corner of the following the of W1/2 Lot 4; thence North along the East line of W1/2 Lot 4, a distance of 77 feet to the South line of Franklin Street, extended West; thence East along the South line of Franklin Street, extended, a distance of 206.4 feet to the place of beginning; EXCEPTING therefrom parcels conveyed

the spur track, measured at right angle to the spur track, thence northeasterly on a curve to the left which is 10.5 feet west of the center line of said spur track, to the north line of Lot 5, thence west along the north line of Lot 5, a distance of 99.0 feet to the point of commencement.

A portion of Lot Numbered Four (4) of the Subdivision of the Southeast Quarter (SEI/4) of the Northeast Quarter (NEI/4) of Section Numbered Twenty-five (25), Township Numbered Nineteen (19) North, Range Numbered Twenty-three (23) East, in the City of Manitowoc, according to the recorded Plat of said Subdivision, and more particularly described as follows: Commencing at the Northeast corner of Block "G", City of Manitowoc; thence West along the South'line of Franklin Street, extended West, a distance of 239 feet to the Northeast corner of the tract herein described). thence south at right angles with the South line of Franklin Street a distance of 73.8 feet to the South line of the aforementioned Lot 4, which point is 20 feet West of the West rail of the Invincible Metal Furniture Company's Spur Track measured along the South line of said Lot 4; thence West along the South line of the aforesaid Lot 4, a distance of 206.4 feet to the Southeast corner, of W1/2 Lot 4; thence North along the East line of W1/2 Lot 4, a distance of 77 feet to the South line of Franklin Street, extended West; thence East along the South line of Franklin Street, extended, a distance of 206.4 feet to the place of beginning; EXCEPTING therefrom parcels conveyed to the Invincible Metal Furniture Company by Warranty Deed

recorded in Volume 233 of Deeds, page 613.

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: A parcel of land located partially in Lot Numbered Five (5) in the Subdivision of the Southeast Quarter (se1/4) of the Northeast Quarter (NE1/4) Section Numbered Twenty-five (25), Township Numbered Nineteen (19) North, Range Numbered Twenty-three (23) East and partially in the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 25, Township Nineteen (19) North, Range 23 East, City of Manitowoc, more particularly described as follows:

Beginning at a point in the north line of Lot 5, which is 60.0 feet east of the northwest corner of the East one-half thereof, thence South 6 degrees 32 minutes West, a distance of 180.35 feet to the C. & N. W. Ry Co. right of way line a distance of 144.0 feet to a point which is 10.5 feet westerly from the center line of the spur track, measured at right angle to the spur track, to the north line of Lot 5, thence west along the north line of Lot 5, a distance of 99.0 feet to the point of commencement.

RECEIPT* 2416 \$14.00 MISC

STATE OF MISCONSIN MANITOMOC COUNTY PRESTON JONES REGISTER OF DEEDS RECEIVED FOR RECORD

4 MRY 2000 11:04:49 F

Recording Area

Name & Return Address

Whyte Hirschboeck Dudek S.C.

PO Box 2225

Manitowoc WI, 54221-2225

ENV

720-000-043

Parcel Identification Number (PIN)

A portion of Lot Numbered Four (4) of the Subdivision of the Southeast Quarter (SE ½) of the Northeast Quarter (NE ½) of Section Numbered Twenty-five (25), Township Numbered Nineteen (19) North, Range Numbered Twenty-three (23) East, in the City of Manitowoc, according to the recorded Plat of said Subdivision, and more particularly described as follows:

Commencing at the Northeast corner of Block "G", City of Manitowoc; thence West along the South line of Franklin Street, extending West, a distance of 239 feet to the Northeast corner of the tract herein described; thence south at right angles with the South line of the aforementioned Lot 4, which point is 20 feet West of the West rail of the Invincible Metal Furniture Company's Spur Track measured along the South line of the said Lot 4, a distance of 206 feet to the Southeast corner of w1/2 Lot 4; thence North along the East line of w1/2 Lot 4, a distance of 77 feet to the South line of Franklin Street, extending, a distance of 206.4 feet to the place of beginning; EXCEPTING therefrom parcels conveyed to the Invincible Metal Furniture Company by Warranty Deed recorded in Volume 233 of Deeds, page 613.



STATE OF WISCONSIN) ss COUNTY OF MANITOWOC)

WHEREAS, Invincible Metal Furniture Company, is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property on April 6, 1994 at water table monitoring well MW-8 at 790 ug/l benzene and 550 ug/l MTBE. On November 25, 1997, enforcement standard exceedances existed at midlevel piezometer MW-6 at 22 ug/l benzene 120, ug/l naphthalene, and 1,894 ug/l total xylenes. The locations of the monitoring wells are depicted on Figure 1 which is hereby attached and made a part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809, Wis. Adm. Code, is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or it successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

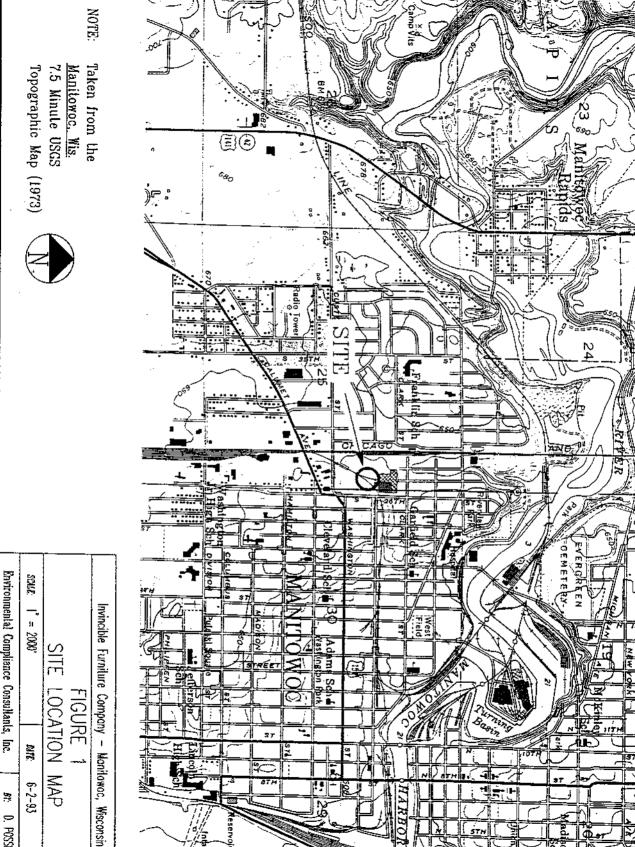
By signing this document, Mr. John Schuette asserts that he is duly authorized to sign this document on behalf of Invincible Metal Furniture Company.

Signature: Ja lehatto Printed Name: JOHN A. SOHYETTE

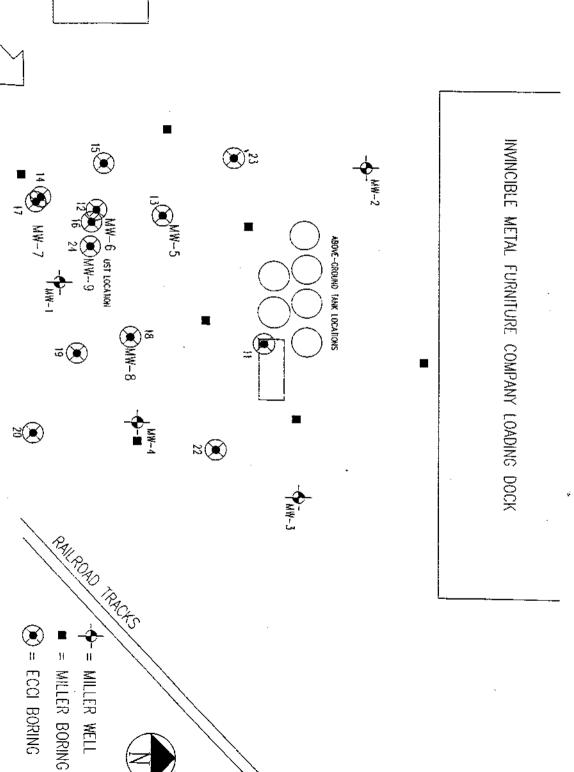
Subscribed and sworn to before me this 26 day of April, 2000.

My commission IS/DERNIANENT

This document was drafted by Environmental Compliance Consultants, Inc. (ECCI) based upon information provided by Mr. John Schutte, of Invinsible Metal Furniture, with guidance provided by the Wisconsin Department of Natural Resources.



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Environmental Compliance Consultants, Inc.

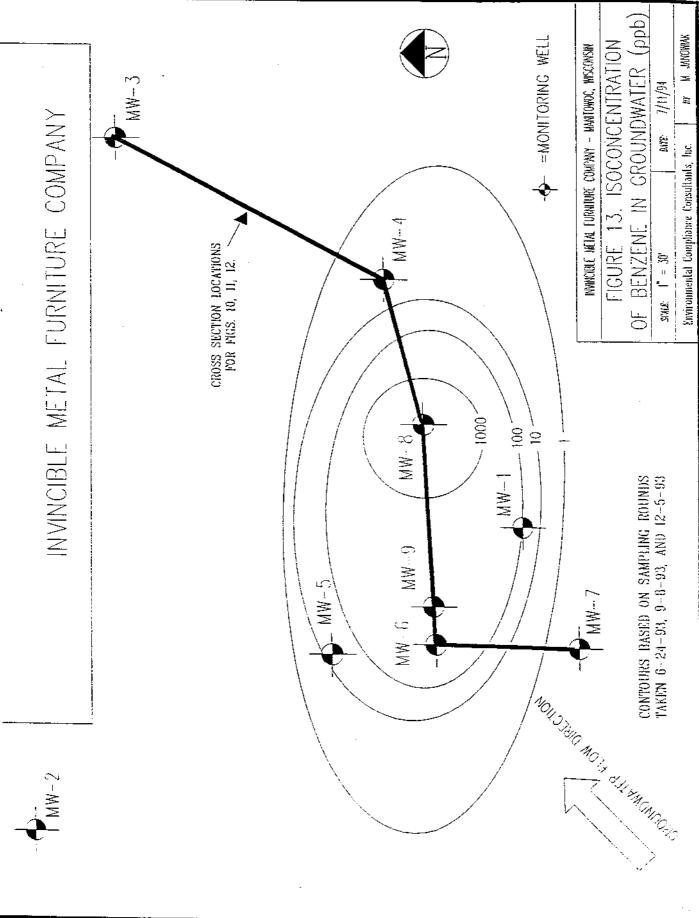
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SITE LAYOUT & DRILLING LOCATIONS

scale: 1' = 40' | Mare: 12-13-93

INVINCIBLE METAL FURNITURE COMPANY - MANITOWOC, WISCONSIN

FIGURE 3



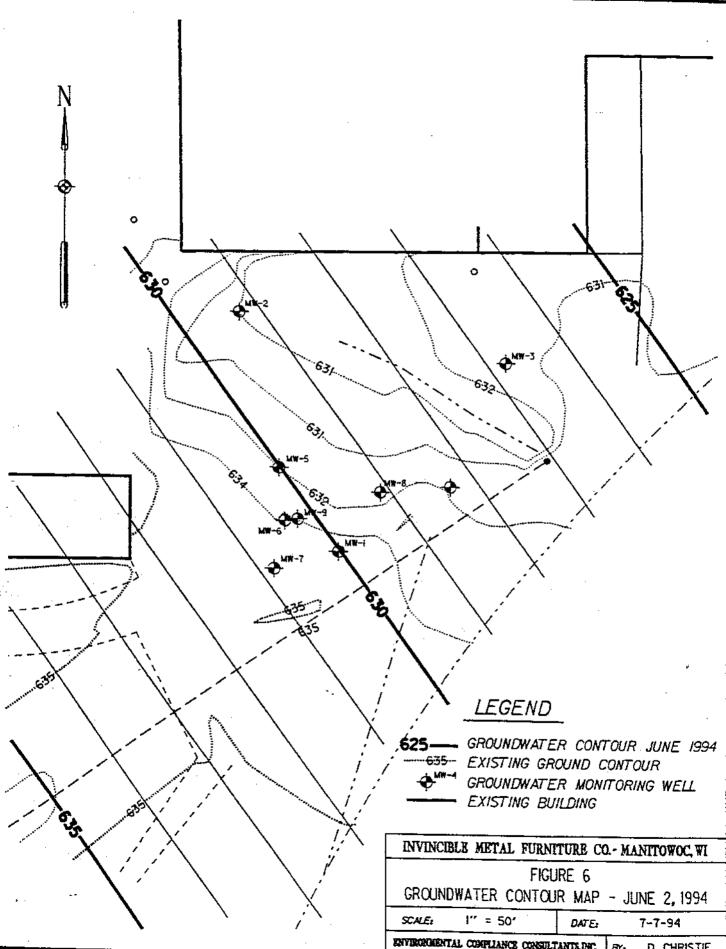


TABLE 2 Groundwater Analytical ¹ Data - Monitoring Well MW-2													
Parameter	6-24-93	5-17-94	6-10-94	5-20-96	8-28-96	5-24-97	11-25-97						
GRO ²	<50	<50		<50		_							
DRO ³	<110		<100	<100									
benzene	<1.0	<0.6		<0.6	<0.6	<0.41	<0.40						
ethylbenzene	<1.0	<1.0		<1.0	<1.0	<0.23	<0,40						
methyl-t-butyl ether	<1.0	<1.0		<1.0	<1.0	<0.53	<0.50						
toluene	<1.0	1.1		<1.0	<1.0	<0.28	<0.32						
1,2,4-trimethylbenzene	<1.0	<1.0		<1.0	<1.0	< 0.30	<0.50						
1,3,5-trimethylbenzene	<1.0	<1.0		<1.0	<1.0	<0.25	<0,56						
xylenes	<2.0	<2.0		<2.0	<1.0	< 0.79	<1.03						

- Analyses by En Chem, Inc., of Green Bay. Units are μ g/l (parts per billion). Blank cells indicate that no analysis was performed for that parameter in that round
- 2 Gasoline Range Organics.
- 3 Diesel Range Organics.

The only reported detection is 1.1 μ g/l of toluene on 5-17-94. There are no NR 140 exceedences.

	Groun	dwater Ai		TABLE 2 Data - Mo	! nitoring W	/ell MW <u>.4</u>	· ·	.	
Parameter	6-24-93	4-6-94	5-15-95	10-12-95	5-20-96	8-28-96	5-24-97	9-15-97	11-25-97
GRO ^z	180	82	<50	79	<50	<50		- · · · · ·	
DRO³	720	1200	1200	1200	1200	1600			
benzene	4.7	<0.6	<0.6	<0.6	<0.6	<0.6	<0.41	<0.16	<0.40
ethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.23	<0.29	<0.40
methyl-t-butyl ether	420	<u>86</u>	<1.0	130	55	<u>69</u>	37	41	48
toluene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.28	<0.36	<0.32
1,2,4-trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.30	<0.34	<0.50
1,3,5-trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.25	<0.30	<0.56
xylenes	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<0.79	<1.15	<1.03

- 1 Analyses by En Chem, Inc., of Green Bay. Units are μg/l (parts per billion). NR 140 Preventive Action Level exceedences are bolded. Enforcement Standard exceedences are bolded and underlined. Blank cells indicate that no analysis was performed for that parameter in that round.
- 2 Gasoline Range Organics.
- 3 Diesel Range Organics.

DRO detections are remarkably constant. MTBE is also steady except for the curious non-detection on 5-15-95.

	cont. TABLE 2 Groundwater Analytical Data - Monitoring Well MW-5													
Parameter	9-8-93	12-5-93	5-17-94	5-15-95	10-12-95	5-20-96	8-28-96	5-24-97	9-15-97	11-25-97				
GRO²	<50	<50	790	no test	110	210	<50			<u> </u>				
DRO	<100	<100	550	240	180	910	450			<u> </u>				
benzene	<u>39</u>	<u>25</u>	240	<u>6.3</u>	4.8	<u>20</u>	1.5	<0.41	<0.41	<0.40				
1,2-dichloroethane	<u>6.3</u>	3.6	12	2.0	1.8	<1.0		0.38	0.55	<0.47				
ethylbenzene	<1.0	<1.0	33	<1.0	<1.0	6.7	<1.0	<0.23	<0.23	<0.40				
methyl-t-butyl ether	20	15	23	11	5.9	6.0	4.3	2.1	2.6	1.2				
naphthalene	<2.0	<2.0		<2.0	<2.0	<1.0				<0.44				
toluene	<1.0	<1.0	43	<1.0	<1.0	1.7	<1.0	<0.28	<0.28	<0.32				
1,2,4-trimethylbenzene	<1.0	<1.0	31	<1.0	<1.0	5.1	<1.0	<0.30	<0.30	<0.50				
1,3,5-trimethylbenzene	<1.0	<1.0	11	<1.0	<1.0	4.3	<1.0	<0.25	<0.25	<0.56				
xylenes	<2.0	<2.0	152	<2.0	<2.0	36	<2.0	<0.79	<0.79	<1.03				

- 1 Analyses by EN CHEM, Inc., of Green Bay. Units are $\mu g/l$ (parts per billion). NR 140 Preventive Action Level exceedences are bolded. Enforcement Standard exceedences are bolded and underlined. Blank cells indicate that no analysis was performed for that parameter in that round.
- Gasoline Range Organics.
- 3 Diesel Range Organics.

There are curious detections of other PVOC compounds besides benzene and MTBE in May of 1994 and May of 1996 (but not in May of 1995).

	Т					j									ļ			
	1,3,5-trimethylbenzene	1,2,4-trimethylbenzene	toluene	n-propylhenzene	naphtialene ²	2-methylnaphthalene	t-methylnaphtbalene	methyl-t-butyl ether	isopropylbenzene	fluorene	ethylhenzene	benzene	DRO	GRO	Parameter			:
0.088	380	1400	7500	97	200/210	100	77	<25	43	10	1300	330	3800	28,000	9-8-93			
13,400	500	1800	7100	120	320/140	38	45	>100	<100	4.47	2000	640	3700	37,000	12-5-93			
13,800/13,400	620/530	2600/2300	0000/8600	130	470/210	76	85	<100/<50	<100	11	2100/2000	270/280	2500	no test	4-6-94'	Groundwater Analytical Data - Monitoring Well MW-6		
9800	640	2100	910	120	300			<100	<100		1400	<100	4400	24,000	5-15-95	er Analyt		
730 0	580	2000	500	130	240			<50	74		1200	lŧ	2800	18,000	10-12-95	ical Data	TABLE 4	
6100	44	390	600	72	160			<25	44		910	70	2600	19.000	1-13-96	Monitor	4	
3710	470	1600	140	160	210/77	62	48	<10	\$3	۵	790	32	3900	14,000	"	ing Well l	:	
2664	460	1500	48	5	180			31	1		810	2.7	3900	16,000	8-28-96	WW-6	:	
148	280	850	7.0	3	130			<2.0			4+8	21	:		1-22-97		Tick	٠.
2650	4/0	1000	1/00	:	7000	3		(1)	\\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		130	34	;		5-24-97		They was held	
Yain	300	300	990	2	130	170		4.	47		é	150	21		9-15-97			
10/3	1904	Urr.	1100	45	1 250	130			^ 5 0		į	130	33		11-25-97			

VOC/PVOC duplicate sampling.

of MTBE on 8-28-96 is curious. Found methylene chloride on 4-6-94, but this is a common laboratory contaminant. Contaminant concentrations appear to be decreasing. Detection limit for benzene may have been too high on 5-15-95. First-time detecton

First result is by VOC analysis/second result is by PAH analysis

(Groundw	ater An		t. TABI ¹ Data -		oring W	ell MW	-7		
Parameter	9-8-93	12-5-93	5-11-94	5-15-95	10-12-95	5-20-96	8-28-96	5-24-97	9-15-97	11-25-97
GRO²	<50	<50	<50	<u> </u>	<50	<50				
DRO³	<100	<100	<110		<100	<100				
benzene	<1.0	<1.0	0.9	<0.6	<0.6	<0.6	<0.6	<0.41	<0.16	<0.40
ethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.23	<0.29	<0.40
methyl-t-butyl ether	<1.0	<1.0	1.2	<1.0	<1.0	<1.0	<1.0	<0.53	<0.20	<0.50
naphthalene	<2.0				<1.0					
toluene	<1.0	0.1>	<1.0	<1.0	<1.0	<1.0	<1.0	<0.28	<0.36	<0.32
1,2,4-trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.30	<0.30	<0.50
1,3,5-trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.25	<0.34	<0.56
xylenes	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<0.79	<1.15	<1.03

- Analyses by EN CHEM, Inc., of Green Bay. Units are $\mu g/l$ (parts per billion). NR 140 Preventive Action Level exceedences are **bolded**. Enforcement Standard exceedences are **bolded and underlined**. Blank cells indicate that no analysis was performed for that parameter in that round.
- Gasoline Range Organics.
- 3 Diesel Range Organics.

The only reported detection is for a trace of benzene in May of 1994. This was also a time when curious PVOC detections were reported for MW-5.

cont. TABLE 2 Groundwater Analytical Data - Monitoring Well MW-8										
Parameter	9-8-93	12-5-93	4-6-94							
GRO ²	2700	2600								
DRO ³	3300	1200	1500							
benzene	600	1200	<u>790/730</u>							
1,2-dichloroethane	<u>26</u>	<20	<10							
ethylbenzene	36	160	29							
methyl-t-butyl ether	1000	620	<u>550</u>							
naphthalene	<20	<40	<20							
toluene	46	28	21							
1,2,4-trimethylbenzene	70	99	75							
1,3,5-trimethylbenzene	41	31	42							
xylenes	602	430	240							

Analyses by EN CHEM, Inc., of Green Bay. Units are μ g/I (parts per billion). NR 140 Preventive Action Level exceedences are **bolded**. Enforcement Standard exceedences are **bolded** and **underlined**. Blank cells indicate that no analysis was performed for that parameter in that round.

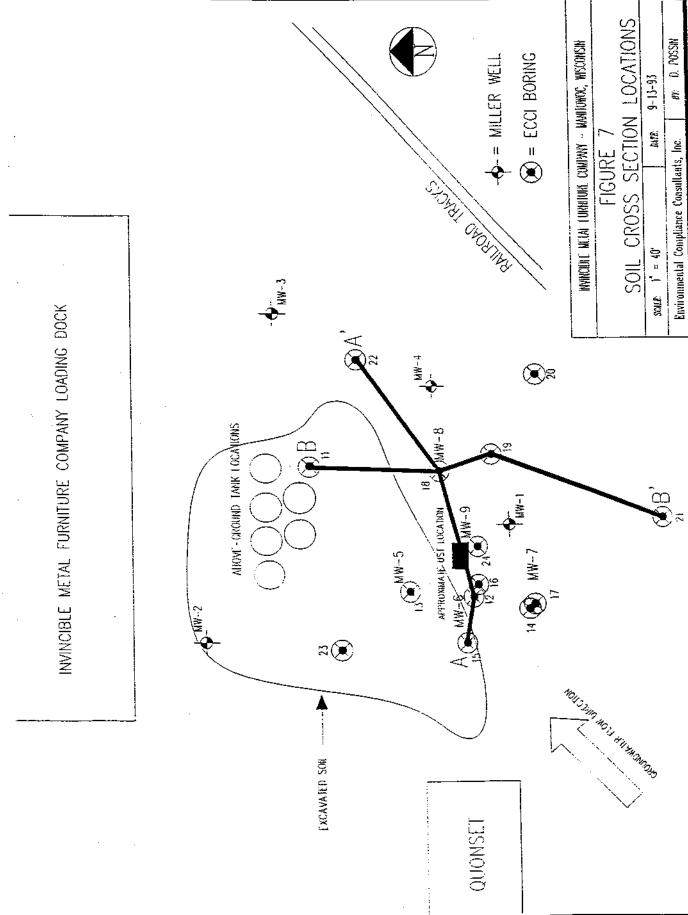
- Gasoline Range Organics.
- 3 Diesl Range Organics.

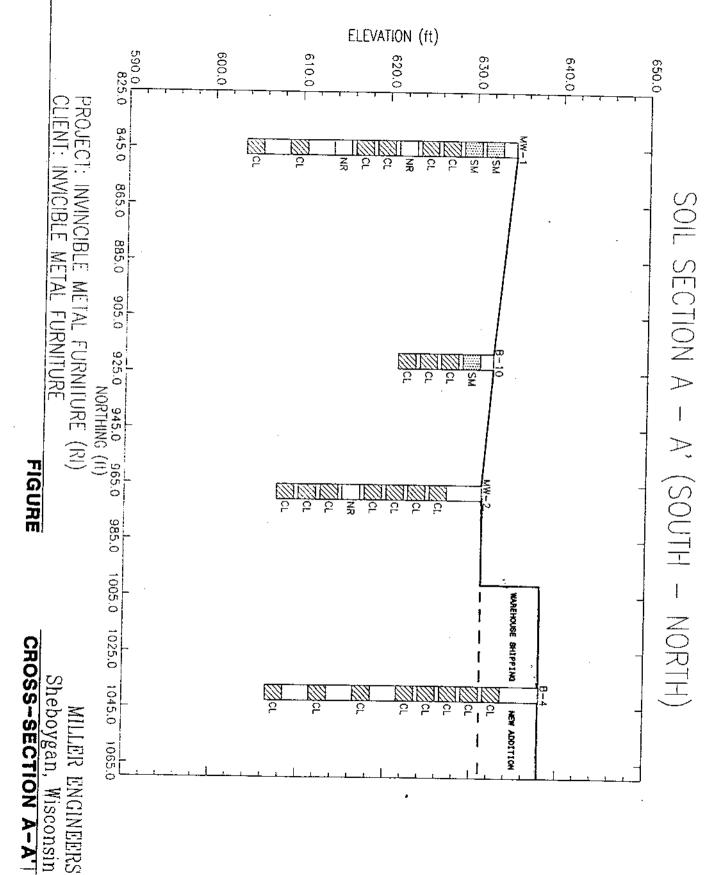
This well was destroyed during remedial excavation/trenching. Found methylene chloride on 4-6-94.

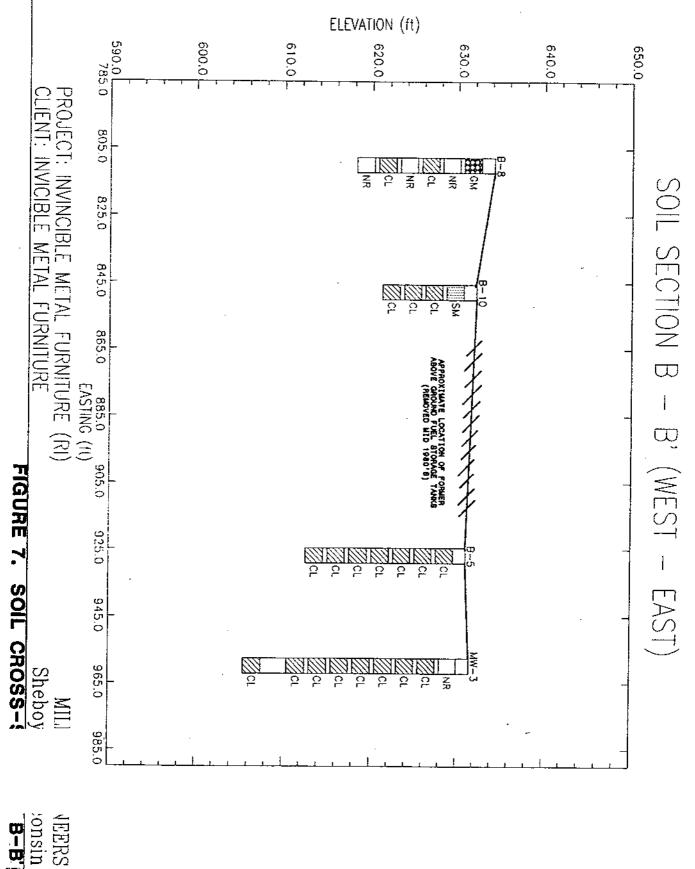
	cont. TABLE 2 Groundwater Analytical ¹ Data - Monitoring Well MW-9													
Parameter	12-19-93	4-6-94	5-15-95	10-12-95	5-20-96	8-28-96	5-24-97	9-15-97	11-25-97					
GRO²	330	no test	<50	83	<50	<50								
DRO³	310	710	630	3400	470	840								
benzene	<0.1	2.7/3.0	<0.6	<0.6	<0.6	<0.6	<0.41	<0.16	<0.40					
benzo (b) fluoranthene		0.03			<0.02									
benzo (ghi) perylene		0.03			<0.03									
chrysene		0.06			<0.03									
ethylbenzene	<1.0	<1.0/<1.0	<1.0	<1.0	<1.0	<1.0	<0.23	<0.29	<0.40					
flouranthene		0.08			<0.02									
indeno (1,2,3-cd) pyrene		0.02			<0.02									
methyl-t-butyl ether	<1.0	<1.0/1.5	<1.0	<1.0	<1.0	<1.0	<0.53	<0.20	<0.50					
toluene	1.5	5.7/5.2	<1.0	<1.0	<1.0	<1.0	<0.28	<0.36	<0.32					
1,2,4-trimethylbenzene	5.2	<1.0/<1.0	<1.0	<1.0	<1.0	<1.0	<0.30	<0.30	<0.50					
1,3,5-trimethylbenzene	19	<1.0/<1.0	<1.0	<1.0	<1.0	<1.0	<0.25	<0.34	<0.56					
xylenes	21.3	<2.0/1.4	<2.0	<2.0	<2.0	<2.0	<0.79	<1.15	<1.03					

- Analyses by En Chem, Inc., of Green Bay. Units are $\mu g/I$ (parts per billion). NR 140 Preventive Action Level exceedences are **bolded**. Enforcement Standard exceedences are **bolded and underlined**. Blank cells indicate that no analysis was performed for that parameter in that round.
- Gasoline Range Organics.
- 3 Diesel Range Organics.

Trace benzene report in April of 1993 was never repeated. Likewise, trace PAH detections were not repeated in May of 1996.







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